

Applic. No. 09/745,563

Amdt. dated June 14, 2004

Reply to Office action of March 12, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-23 remain in the application. Claims 1, 10, and 23 have been amended. Claims 20-22 have been withdrawn from consideration.

In item 2 on page 2 of the Office action, claims 1-19 and 23 have been rejected as being fully anticipated by Rodi et al. (U.S. Patent No. 4,753,433) (hereinafter "Rodi") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 14, lines 24-26 and page 15, line 10-16 of the specification.

It is noted that the corporate assignee of the Rodi reference is also the assignee of the instant application. Therefore, applicants are very familiar with the Rodi reference.

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Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 23 call for, *inter alia*:

a lifting device connected to the guide element for displacing the guide element.

The Rodi reference discloses a device for monitoring imbricated sheets, which are stream fed to a printing machine. The device includes a transport roller (9) and a scanning roller (13) disposed on a lever (11). A DC motor (22) adjusts the distance between the two rollers. A further DC motor (32) adjusts the pressure exerted by the scanning roller (13) on a sheet.

The reference does not show a lifting device connected to the guide element for displacing the guide element, as recited in claims 1 and 23 of the instant application. The Rodi reference discloses a DC motor for adjusting the distance between a scanning roller (13) and a transport roller (9) and another DC motor for adjusting the pressure between the scanning roller (13) and a sheet of paper. The Rodi reference does not disclose a lifting device connected to a guide element. This is contrary to the invention of the instant

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application as claimed, in which a lifting device is connected to the guide element for displacing the guide element.

Since claim 1 is believed to be allowable, dependent claims 2-19 are believed to be allowable as well.

Even though the dependent claims are believed to be allowable, the following comments pertain to the dependent claims.

The Rodi reference does not disclose the majority of the features of the dependent claims. Rodi does not disclose the features of claims 2-15 and 17-19. For example Rodi does not disclose that: the first and second drives are coupled to each other (claim 2), the first drive is a piston/cylinder unit (claim 3), etc.. Due to the amount of limitations that are disclosed in the dependent claims listed above, which are not disclosed in Rodi, they are not individually recited, instead, the Examiner is requested to carefully review these claims with regard to the rejection over Rodi.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 23. Claims 1 and 23 are, therefore, believed to be patentable over the art and

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since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

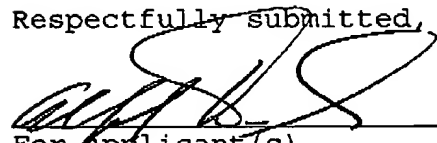
In view of the foregoing, reconsideration and allowance of claims 1-23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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